Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Message Text

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PAGE 01 STATE 006018
ORIGIN DLOS-09

INFO OCT-01 NEA-10 ISO-00 OES-07 L-03 ACDA-12 AGRE-00
AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 COME-00
DODE-00 DOTE-00 EB-08 EPA-01 SOE-02 DOE-11 FMC-01
TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00 NSAE-00
NSC-05 NSF-01 OMB-01 PA-01 PM-05 PRS-01 SP-02
SS-15 USIA-06 /135 R

DRAFTED BY D/LOS:JWZEROLIS:AFR
APPROVED BY D/LOS:ALAN BERLIND
D/LOS:RON KATZ
S/AR:ALAN JAMES
NEA/INS:ATHIBAULT
----------107351 101924Z /46
R 101718Z JAN 78
FM SECSTATE WASHDC
TO AMEMBASSY COLOMBO

C O N F I D E N T I A L STATE 006018

E.O. 11652:GDS

TAGS: PLOS

SUBJECT: LAW OF THE SEA: SRI LANKA LEGAL ADVISER'S VIEW

REF. COLOMBO 5097

1. D/LOS WOULD APPRECIATE EMBASSY SEEKING A FURTHER CLARIFICATION FROM LEGAL ADVISER KURUKULASOORIYA OF VIEWS CITED REFTEL.

2. ARTICLE 153 OF THE INFORMAL COMPOSITE NEGOTIATING TEXT (ICNT) NOW PROVIDES FOR A REVIEW CONFERENCE TO BE CONVENED TWENTY YEARS FROM THE ENTRY INTO FORCE OF THE PROPOSED CONVENTION. IF THE REVIEW CONFERENCE FAILS
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PAGE 02 STATE 006018

TO AMEND OR TO REACH AGREEMENT WITHIN FIVE YEARS ON THE PROVISIONS OF THE SEABEDS PART OF THE TREATY THEN THE ACTIVITIES IN THE SEABED AREA SHALL BE CARRIED OUT ONLY BY THE AUTHORITY THROUGH ITS OPERATING ENTERPRISE AND THROUGH JOINT VENTURES. THE REVIEW CONFERENCE CONCEPT WAS ARTICULATED BY SECRETARY KISSINGER IN 1976 AS A WAY TO DIMINISH DEVELOPING COUNTRIES' FEARS OF BEING

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FOREVER LOCKED INTO A SEABEDS SYSTEM FOR WHICH THERE IS NOW LITTLE PRACTICAL EXPERIENCE. THIS WAS A MAJOR CONCESSION BY U.S. WHICH A NUMBER OF OUR LOS ALLIES HAVE NEVER LIKED. OUR CONCEPT OF A REVIEW CONFERENCE,

HOWEVER, IS ONE WHICH DOES NOT PREJUDGE THE OUTCOME OR ALLOW FOR AN AUTOMATIC TAKEOVER BY THE INTERNATIONAL AUTHORITY AFTER FIVE YEARS OF DISCUSSION. WE, THEREFORE, STRONGLY OBJECT TO THE PRESENT ICNT FORMULATION OF ARTICLE 153 AND WOULD NOT ACCEPT IT. WE DO NOT, HOWEVER, REGARD ARTICLE 153 AS THE QTE CHIEF STUMBLING BLOCK UNQTE IN THE SEABEDS SECTION OF THE ICNT, BUT RATHER AS ONE OF SEVERAL ICNT PROVISIONS THAT IN COMBINATION WOULD RESULT IN A SITUATION IN WHICH THE INVESTMENT FOR SEABED MINING WOULD NOT BE FORTHCOMING.
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NNN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, LAW OF THE SEA, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 10 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE006018
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Drafter: JWZEROLIS:AFR
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Format: TEL
From: STATE
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1978/newtext/t19780180/aaaacpki.tel
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Litigation History:
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Review Exemptions: n/a
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Review Release Date: n/a
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To: COLOMBO
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EO Systematic Review
20 Mar 2014
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